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October 4, 2021

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Consent Letter Motion
For Conference and to Modify
Sentencing Schedule

RE: United States v. Omar Jaata, 18 Cr. 162 (PGG)

Dear Judge Gardephe:

I am one of the two attorneys assigned to represent the defendant, Omar Jaata, in this case.

As the Court will remember, I was the attorney who prepared the case for trial and represented him when he entered a guilty plea. After the plea was entered, however, Mr. Jaata regretted it and asked to withdraw the plea. The Court appointed Karloff C. Commissiong to represent Mr. Jaata for the motion to withdraw the plea, and I remained “on standby,” to perhaps continue representing him depending on the outcome of the motion.

I was on trial in the Eastern District for the past two weeks, but I did see that the Court ruled on the motion to withdraw the plea (denied), and set a sentence date and a date for defense sentencing submissions for October 6, 2021. Because of my engagement in the trial I did not turn my attention to the issue until now.

I am requesting, first, that the schedule for sentencing and for the filing of sentencing submissions be continued for a few weeks. The reason for that is that it remains unclear which of us – Mr. Commissiong or myself – should carry on with representing Mr. Jaata for the sentencing proceedings, or whether there is any

reason to consider the appointment of someone else from the CJA panel (note that I think that is an unlikely alternative, but may have to be considered by the Court depending on what the defendant himself requests).

I therefore am asking that the Court set a date for a conference with the government, the defendant, Mr. Commissiong, and myself so that the issue of representation can be resolved and a new schedule set for the sentencing and filing of written submissions.

With respect to setting a date for such a conference I would note that I am scheduled to start a trial in Queens Supreme Court on October 12, 2021. The trial dates in Supreme Court tend to be more flexible than in federal court, but because of the limitations on the number of COVID-ready courtrooms and the limitations on the numbers of people being admitted into the court buildings I believe that our judge in that case expects that the trial will actually start on that date or the next day. If it does I expect the trial to take a week, and thus would ask that the conference, if the Court grants my request, be set before the end of this week or after October 20th (I have a medical appointment on the 20th).

I have communicated with AUSA Jason Richman and he has no objection to this request. I have sent an email with my proposal to Mr. Commisssing but have not yet heard back from him, but I expect he would fully agree with my request. I have communicated with Mr. Jaata and he agrees to the request.

Thank you very much for Your Honor's consideration of this application.

Sincerely,

/s/ Thomas H. Nooter
Attorney (co-counsel) for Defendant

cc: AUSA Jason Richman, by ECF
Karloff C. Commissiong, Esq., by ECF
Omar Jaata, by email

MEMO ENDORSED

The sentencing submission schedule and October 27, 2021 sentencing of the Defendant are adjourned sine die. The Court will conduct a conference to determine who will proceed to represent Mr. Jaata at sentencing. Both Thomas Nooter and Karloff Commissiong are expected to attend the conference, which will be held on October 25, 2021 at 10:30 a.m. by telephone. The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone conference by dialing the same number and using the same access code.

SO ORDERED.

Paul G. Gardephe

Paul G. Gardephe

United States District Judge

October 7, 2021